

HOUSE JOINT MEMORIAL 67

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Al Park

A JOINT MEMORIAL

REQUESTING THAT THE NEW MEXICO HEALTH POLICY COMMISSION APPOINT  
A TASK FORCE TO STUDY POSSIBLE LEGISLATIVE SOLUTIONS TO THE  
MALPRACTICE INSURANCE CRISIS FACING HEALTH CARE PRACTITIONERS  
AND PROVIDERS.

WHEREAS, there is an escalating crisis in health care  
access due to skyrocketing malpractice insurance premiums for  
all types of health care practitioners and providers; and

WHEREAS, declining medicare and medicaid reimbursement  
rates affect every type of practitioner and provider, including  
physicians, advance practice nurses, hospitals, nursing homes  
and health care clinics; and

WHEREAS, medical malpractice liability is capped at two  
hundred thousand dollars (\$200,000) for those physicians who  
participate in the patient's compensation fund; and

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1           WHEREAS, practitioners and providers, including certified  
2 nurse-midwives, certified nurse practitioners, dentists,  
3 hospitals and others, must carry one million dollars  
4 (\$1,000,000) or more in malpractice insurance coverage; and

5           WHEREAS, hospitals, nursing homes, health care clinics and  
6 others either cannot or do not participate in the patient's  
7 compensation fund due to procedural constraints and cost  
8 concerns; and

9           WHEREAS, malpractice insurance coverage for certain  
10 categories of practitioners and certain types of services is  
11 not even available; and

12           WHEREAS, many options and remedies have been identified  
13 that might address this escalating crisis, including adding all  
14 practitioners and providers to the Medical Malpractice Act,  
15 creating a joint underwriting association, stratifying  
16 malpractice insurance coverages, allowing practitioners and  
17 providers to purchase insurance through the risk management  
18 division of the general services department, creating  
19 additional patient compensation funds or self-insuring;

20           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
21 STATE OF NEW MEXICO that the New Mexico health policy  
22 commission be requested to appoint a task force to address the  
23 malpractice insurance crisis to be composed of representatives  
24 of the insurance industry; the insurance division of the public  
25 regulation commission; the governor's office; statewide

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1 associations with members affected by this crisis representing  
2 licensed midwives, dentists, hospitals, nursing homes and trial  
3 attorneys; and any other affected parties; and

4 BE IT FURTHER RESOLVED that the task force review all  
5 relevant state statutes and conduct a comprehensive review of  
6 laws, programs and approaches of other states; and

7 BE IT FURTHER RESOLVED that the task force make  
8 recommendations on possible legislative solutions to the  
9 malpractice insurance crisis for all health care practitioners  
10 and providers to the appropriate interim legislative committee  
11 and the governor's office by November 2005; and

12 BE IT FURTHER RESOLVED that a copy of this memorial be  
13 transmitted to the director of the New Mexico health policy  
14 commission.

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